

10-09-01 A

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
15436.1Total Pages in this Submission  
510/04/01  
10/04/01  
10/04/01  
10/04/01

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**OPTICAL CHANNEL SELECTION AND EVALUATION SYSTEM**

and invented by:

Philip J. Gentile

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 24 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
15436.1

Total Pages in this Submission  
5

## Application Elements (Continued)

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)
  - a.  Formal Number of Sheets 8
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche (*Appendix*)
7.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Paper Copy
  - b.  Computer Readable Copy (*identical to computer copy*)
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8.  Assignment Papers (*cover sheet & document(s)*)
9.  37 CFR 3.73(B) Statement (*when there is an assignee*)
10.  English Translation Document (*if applicable*)
11.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing

First Class  Express Mail (*Specify Label No.*): EL 746 189 355 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
15436.1

Total Pages in this Submission  
5

**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Additional Enclosures (*please identify below*):

**Form PTO-2038 in the amount of \$968.00**

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
15436.1

Total Pages in this Submission  
5

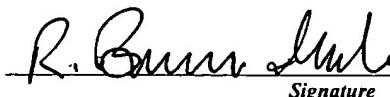
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	26	- 20 =	6	x \$18.00	\$108.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	<b>\$740.00</b>
<b>OTHER FEE (specify purpose)</b>				Assignment Recordation Fee	\$40.00
				<b>TOTAL FILING FEE</b>	<b>\$968.00</b>

- PTO-2038 Credit Card  
 Payment Form \$968.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below. A duplicate copy of this sheet is enclosed.

- Charge the amount of \_\_\_\_\_ as filing fee.  
 Credit any overpayment.  
 Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.  
 Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
*R. Burns Israelsen*

*Signature*  
R. Burns Israelsen  
Attorney for Applicant  
Registration No.: 42,685

Dated: October 4, 2001



022913

CC:

PATENT TRADEMARK OFFICE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Philip J. Gentile

Docket No.

15436.1

Serial No.  
UnassignedFiling Date  
*October 1*, 2001Examiner  
UnassignedGroup Art Unit  
Unassigned

Invention: OPTICAL CHANNEL SELECTION AND EVALUATION SYSTEM

I hereby certify that this correspondence listed below

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
*October 1*, 2001

(Date)

Lisa L. Rogers

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EL 746 189 355 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

Transmitted:

Patent Application	24 pgs.
Formal Drawings	8 sheets
Transmittal Letter in Triplicate w/PTO-2038 in the amount of \$ <i>968.00</i>	5 pgs.
Assignment w/Cover Sheet	3 pgs.
Declaration, Pwr of Atty, & Petition	2 pgs.
Certificate of Mailing	1 pg.
Express Mail Label EL 746 189 355 US Postcard	